

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CURTIS HERTEL, the Register of Deeds and
Representative of INGHAM COUNTY; and NANCY
HUTCHINS, the Register of Deeds and Representative of
BRANCH COUNTY, both as Class Representatives of all
83 counties in the State of Michigan,

Plaintiff,

v.

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., MERSCORP, INC., JEANNE KIVI,
ELLEN COON, MARSHALL ISAACS, BANK OF
AMERICA, N.A., JPMORGAN CHASE & CO., CHASE
HOME MORTGAGE CORPORATION f/k/a CHASE
HOME FINANCE, WELLS FARGO BANK, N.A.,
CITIMORTGAGE INC., eTITLE AGENCY INC.,
ATTORNEYS TITLE AGENCY LLC, f/k/a WARRANTY
TITLE AGENCY LLC, and FEDERAL NATIONAL
MORTGAGE ASSOCIATION, and JOHN DOE as any
other authorized signers for MERS or MERSCORP, INC.,
and Defendants JOHN DOE Corporations I – MMM,

Defendants.

Case No. 1:12-cv-00174

Hon. Robert Holmes Bell
United States District Court Judge

DEFENDANTS' JOINT MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants Mortgage Electronic Registration Systems, Inc., MERSCORP, Inc., Bank of
America, N.A., JPMorgan Chase Bank, N.A., and CitiMortgage, Inc. (collectively,
“Defendants”), pursuant to Fed. R. Civ. P. 12(b)(6), move for an order dismissing with prejudice
the Complaint of Curtis Hertel, the Register of Deeds and Representative of Ingham County; and
Nancy Hutchins, the Register of Deeds and Representative of Branch County (the “Complaint”).

In accordance with W.D. Mich. L. Civ. R. 7.1(d), Defendants' counsel communicated with Plaintiffs' counsel via e-mail regarding this Motion. Plaintiffs' counsel confirmed that the Motion will be opposed.

As set forth in greater detail in the brief in support filed in conjunction with this Motion, and incorporated herein by reference, the Complaint should be dismissed for failure to state a claim upon which relief can be granted.

Dated: January 17, 2013

Respectfully submitted,

/s/ Aaron L. Vorce

Joseph H. Hickey (P41664)
Aaron L. Vorce (P68797)
Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing MI 48933
Tel: (517) 374-9100
jhickey@dykema.com
avorce@dykema.com

Of Counsel:

Mary Beth Hogan
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
Telephone: 212.909.6996
Facsimile: 212.909.6836
mbhogan@debevoise.com

Attorneys for Defendant JPMorgan Chase Bank, N.A.

/s/ Joseph F. Yenouskas

Brian C. Summerfield (P57514)
BODMAN PLC
201 W. Big Beaver Road, Suite 500
Troy, MI 48084
(248) 743-6000
bsummerfield@bodmanlaw.com

Thomas M. Hefferon
Joseph F. Yenouskas
GOODWIN PROCTER LLP
901 New York Avenue NW
Washington, DC 20001
(202) 346-4000
thefferon@goodwinprocter.com
jyenouskas@goodwinprocter.com

Attorneys for Defendant Bank of America, N.A.

DYKEMA GOSSETT & ASSOCIATES, A PROFESSIONAL LIMITED LIABILITY COMPANY • CAPITOL VIEW, 201 TOWNSEND STREET, SUITE 900 • LANSING, MICHIGAN 48933

/s/ Thomas V. Panoff
 Thomas V. Panoff (P68416)
 MAYER BROWN LLP
 71 South Wacker Drive
 Chicago, Illinois 60606
 Telephone: (312) 701-8821
 Facsimile: (312) 706-8297
 tpanoff@mayerbrown.com

Attorneys for Defendant CitiMortgage, Inc.

/s/ Brian C. Summerfield (w/ permission)
 Brian C. Summerfield (P57514)
 Bodman PLC
 6th Floor at Ford Field
 1901 St. Antoine Street
 Detroit, Michigan 48226
 Tel: (313) 259-7777
bsummerfield@bodmanlaw.com

Of Counsel:

Robert M. Brochin
 Morgan, Lewis & Bockius LLP
 200 South Biscayne Boulevard, Suite
 5300
 Miami, Florida 33131-2339
 Tel: (305) 415-3456
rbrochin@morganlewis.com

*Attorneys for Defendants MERSCORP,
 Inc. n/k/a MERSCORP Holdings, Inc. and
 Mortgage Electronic Registration
 Systems, Inc.*